

Message Text

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DRAFTED BY EB/ITP/EWT:JMGREGORY, JR.:MAR

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APPROVED BY EB/ITP/EWT:JMGREGORY, JR.

COMMERCE/OEC - MR. MEYER

BEWT:MSMITH

SCI - DR. GANLEY

EB/ITP/EWT:RBWRIGHT

RPE

DEFENSE/OSD - MR. MURPHY

EUR/SOV - MR. COLBERT

AEC - MR. KRATZ

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EXCON

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TAGS: ESTC, COCOM, US, UR

SUBJ: TECHNICAL COOPERATION AGREEMENTS BETWEEN US FIRMS
AND THE USSR

REF : A. OECD PARIS 27708

B. COCOM DOC(72)2399

C. STATE 90534

1. THE DELEGATE SHOULD INFORM THE COMMITTEE THAT INQUIRY
FROM OTHER DELEGATIONS INDICATES INTEREST CONCERNING PRESS
REPORTS OF TECHNICAL AND SCIENTIFIC COOPERATION AGREEMENTS
BETWEEN SOME MAJOR US FIRMS AND THE STATE COMMITTEE FOR
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SCIENCE AND TECHNOLOGY (SCST) OF THE USSR. APPROXIMATELY

TWENTY SUCH AGREEMENTS HAVE BEEN SIGNED AND OTHERS ARE UNDER DISCUSSION WITH THE POSSIBILITY OF SIGNATURE.

2. IN EACH CASE THE AGREEMENTS ARE OF A GENERAL NATURE AND ARE WRITTEN IN A STANDARD DRAFT SCST FORMAT WHICH IS UNDOUBTEDLY FAMILIAR TO DELEGATIONS FROM COUNTRIES WHOSE FIRMS HAVE BEEN ENGAGED IN SOVIET TRADE INASMUCH AS SCST OFFICIALS HAVE STATED THAT THEY HAVE ENTERED INTO OVER 100 SUCH AGREEMENTS. THE DRAFT PROVIDED TO US FIRMS BY THE SOVIETS CITES PARAGRAPH 8 OF THE "BASIC PRINCIPLES OF RELATIONS BETWEEN THE USSR AND THE USA" OF MAY 29, 1972 AND ARTICLE 4 OF THE "AGREEMENT BETWEEN THE GOVERNMENT OF THE USSR AND THE GOVERNMENT OF THE USA ON COOPERATION IN THE FIELDS OF SCIENCE AND TECHNOLOGY" OF MAY 24, 1972 AS A KIND OF ENABLING AUTHORITY TO ENTER INTO FRAMEWORK AGREEMENTS TO EXCHANGE INFORMATION, LICENSES, GOODS, AND PERSONNEL AND TO CONDUCT MUTUAL STUDY AND R AND D IN SPECIFICALLY DESIGNATED FIELDS. THE DRAFT ALSO PROVIDES FOR SUCH QUESTIONS AS ORGANIZATION, CONTRACTUAL LEGALITIES, TRAVELLING EXPENSES, AND A FIVE-YEAR VALIDITY PERIOD. BOTH OF THE BILATERAL GOVERNMENTAL AGREEMENTS CITED AS "ENABLING" AUTHORITY FOR INDIVIDUAL FRAMEWORK AGREEMENTS HAVE BEEN PUBLISHED IN THE "TREATIES AND OTHER INTERNATIONAL ACTS SERIES" OF THE DEPARTMENT OF STATE.

3. FOR THEIR PART, US GOVERNMENTAL AUTHORITIES HAVE INFORMED US FIRMS THAT IN DEALING WITH SCST FOUR GENERAL CONCEPTS SHOULD APPLY:

A. COMPANY FRAMEWORK AGREEMENTS OF THIS KIND WITHOUT GOVERNMENTAL PARTICIPATION ARE IN ACCORDANCE WITH THE SPIRIT OF THE INTERGOVERNMENTAL AGREEMENTS;

B. FIRMS ARE ENCOURAGED TO INFORM APPROPRIATE GOVERNMENTAL AUTHORITIES WHEN SUCH AGREEMENTS ARE SIGNED;

C. IN ACCORDANCE WITH ARTICLE 8 OF THE TRADE AGREEMENT (REF. B), US LICENSING AND TECHNICAL DATA CONTROLS PRECLUDE UNLICENSED EXCHANGE OF INFORMATION OR PRODUCTION DATA AND GOVERN THE CONDUCT OF VISITS BY BLOC PERSONNEL
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(REF. C) TO US FACILITIES;

D. EXCHANGES INVOLVING EMBARGOED GOODS OR TECHNOLOGY MAY BE DISCUSSED SO LONG AS (C) IS OBSERVED AND IT IS UNDERSTOOD THAT THE VARIOUS AGREEMENTS CARRY NO IMPLICATIONS OF COMMITMENT TO THE ISSUANCE OF LICENSES BY THE USG.

4. THE SIGNIFICANCE AND VALUE OF THESE SOVIET INITIATED

AGREEMENTS IS UNDER STUDY WITHIN THE USG WHICH WOULD APPRECIATE RECEIVING THE COMMENTS AND OBSERVATIONS OF OTHER MEMBERS BASED ON THE EXPERIENCES OF THEIR NATIONAL FIRMS.

5. THEREFORE, IN RESPONSE TO QUESTIONS ABOUT ANY OF THE AGREEMENTS BY SPECIFIC US FIRMS, THE DELEGATION SHOULD NOTE THAT THEY ARE GENERAL IN NATURE AND APPEAR MERELY TO INDICATE AN INTENT TO ENGAGE IN CERTAIN FIELDS OF COOPERATION. WHENEVER AND IF EVER SPECIFIC PROJECTS ARISE THEY WILL BE SUBJECTED TO EXAMINATION AND DECISION ON THEIR NON-STRATEGIC MERITS IN ACCORDANCE WITH US AND COCOM PROCEDURES. (FYI - NEITHER CDC NOR GENERAL DYNAMICS HAS TO OUR KNOWLEDGE MADE ANY SPECIFIC EXCHANGE OR COOPERATION CONTRACTS WITH THE USSR. IN POINT OF FACT CDC WAS ADVISED THAT GOVERNMENT AUTHORIZATION OF JOINT DEVELOPMENT AND/OR PRODUCTION OF ADVANCED COMPUTERS WOULD BE UNLIKELY. GENERAL DYNAMICS IS ABOUT TO BE GIVEN SIMILAR ADVICE ON ASPECTS OF ITS FRAMEWORK AGREEMENT. END FYI). KISSINGER

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